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Certificate of Mailing

Applicant(s): James C. Pawloski et al.

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For: CLOSURE DEVICE FOR A
RECLOSABLE POUCH

Group Art Unit: 3727

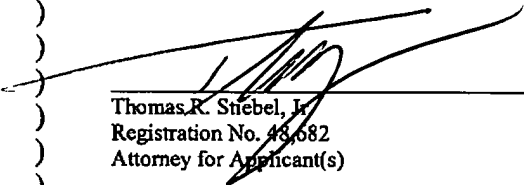
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DECLARATION OF JAMES C. PAWLOSKI UNDER 37 C.F.R. § 1.132

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, JAMES C. PAWLOSKI, hereby declare and state:

1. I am a co-inventor of the present application and am currently employed by S.C. Johnson & Son, Inc. (hereinafter "S.C. Johnson"), the assignee of the above-identified application. I am currently a research associate involved with the design and creation of thermoplastic bags with zippers. I have been employed by S.C. Johnson since the S.C. Johnson acquisition of Dow Brands, Inc., on January 23, 1998. Between February of 1991 and January 22, 1998, I was employed by Dow Brands, L.P. as first a project specialist and later a manufacturing specialist where my responsibilities included the support and improvement of manufacturing lines used to produce zippered thermoplastic bags. Prior to working at Dow Brands, Inc., I was a technical manager at Zip-Pak, Inc., a joint venture between Dow Chemical Co. and Illinois Tool Works, Inc., between November of 1989 and February of 1991, where I was involved with new product developments related to thermoplastic bags and zippers. Further, I worked as a co-op engineer, an engineer, a

research engineer, and lastly as a senior production engineer for Dow Chemical Co. during the time period of August of 1977 through November of 1989. At Dow Chemical Co. my responsibilities included research and development related to zippered thermoplastic bags and production line machinery used in producing the bags and lab research related to sheet extrusion and other types of thermoplastic extrusion. Since 1982 I have worked continuously for Dow Chemical Co., Zip-Pak, Inc., Dow Brands L.P., and S.C. Johnson in various research and development and production line units for zippered thermoplastic bags and other extrusion related projects.

2. I am familiar with the technology used to produce consumer products that include thermoplastic materials and have used that technology in the past to design and produce products such as Ziploc® bags. I am also familiar with the structural and functional aspects of various consumer product bags and the science underlying the design and creation of same, including bags that comprise single or multiple closure mechanisms operable to seal a bag by manipulation of a user's hand or by a slider mounted on the bag. I believe I possess at least the level of skill of an ordinary person of skill in the art of thermoplastic consumer product bags and in the art of machinery used in the production of such bags.

3. I have read the present patent application and its pertinent prosecution history and understand it is claiming a reclosable bag that includes a first closure mechanism having a first male closure element and a first female closure element. A second closure mechanism includes a second male closure element and a second female closure element. Specifically, in regard to claims 20 and 28, the first male closure element includes two hook portions extending from an end thereof to engage legs of the first female closure element and the second male closure element includes only one hook portion extending from an end thereof to engage one leg of the second female closure element, such that the first male closure element engages with the first female closure element with a first closing force and the second male closure element engages with the second female closure element with a second closing force that is different than the first closing force. The first closing force of the first male and female closure elements is less than the second closing force of the second male and female elements.

4. I have reviewed and understand the contents of the pending Office action dated December 10, 2007. Upon information and belief, claims 20 and 28 of the present application have been rejected as indefinite for failing to particularly point out and distinctly

claim the subject matter which applicant regards as the invention as required by 35 U.S.C. 112, second paragraph.

5. As shown in FIG. 5, the first closing force corresponds to the first closure characteristic of the first closure mechanism 238a and the second closing force corresponds to the second closure characteristic of the second closure mechanism 238b. Further, the respective male closure element 244a of the first closure member 238a has two hooked portions 251a, 251b, while the respective male closure element 256a of the second closure mechanism 238b has only one hooked portion 265. The specification further states that “[i]n another embodiment, the second closing force is greater than the first closing force” or conversely:

First closing force 2 hooks (238a)	>	Second closing force 1 hook (238b)
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(See ¶ 47, line 5). I believe that the foregoing disclosure clearly conveys to one skilled in the art that a first closure mechanism having one hooked portion can have a closing force that is greater than a closing force of a second closure mechanism having two hooked portions.

6. Still further, the specification states that “[f]or example, for a zipper at a 64 mil thickness (1.6 mm) an average closing force for the first closure mechanism 238a was found to be 0.15 lb. (0.07 kg.), an average closing force for the second closure element 238b was found to be 0.05 lb. (0.02 kg.), and the overall closing force for the combined mechanisms 238a, 238b was found to be 0.20 lb. (0.09 kg.). When the zipper thickness was increased to 75 mils (1.9 mm) an average closing force for the first closure mechanism 238a was found to be 0.18 lb. (0.08 kg.), an average closing force for the second closure element 238b was found to be 0.06 lb. (0.03 kg.), and the overall closing force for the combined mechanisms 238a, 238b was found to be 0.24 lb. (0.11 kg.).” (¶ 47, lines 6-18).

7. The specification further states that “[i]n one embodiment, the first closing force is greater than the second closing force...Still further, the other embodiments have first and second closing forces that are approximately equal.” (¶47, lines 3-6). Furthermore, the specification states in regard to the single hooked male closure element 256a that:

[a]dditionally, as seen in FIG. 5B, the second male closure element 256a has a thickness A at a root portion 268 of the engagement member 264 and a thickness B at the widest part of the hook portion 265. In a preferred

embodiment, the thicknesses A and B are substantially equal. Alternatively, the thickness B can be increased,”

(¶ 44, lines 20-24).

8. I believe that the foregoing disclosure in the specification clearly conveys to a person of ordinary skill in the art of thermoplastic consumer product bags that by increasing or decreasing the thickness of the zipper elements, the closing force can be respectively increased or decreased regardless of whether a male closure element has one hook or two hooks. Further, I believe that the foregoing disclosure in the specification clearly teaches a person of ordinary skill in the art of thermoplastic consumer product bags that by increasing or decreasing the thickness of an engagement member and hook portion of a male closure element, the closing force can be respectively increased or decreased regardless of whether the male closure element has one hook or two hooks. This belief is grounded in my years of experience with tests relating to closing forces of closure mechanisms.

9. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the above referenced application or any patent issued thereon.

James C. Pawloski

J C Pawloski

Date: 2/11/08